

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

FILED

July 19, 2021

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY: lad
DEPUTY

Richard Lee Tabler,

Petitioner,

vs.

Bobby Lumpkin, Director,
Texas Department of Criminal
Justice, Correctional Institutions
Division,

Respondent.

Civil Action No. W-10-CA-034

* Death Penalty Case *

PRO-SE MOTION OPPOSING MOTION FILED BY COUNSEL
TO ALTER OR AMEND JUDGMENT PURSUANT TO FED.R.CIV.P.59(e)
AND
TO EXPAND CERTIFICATE OF APPEALABILITY

Petitioner, Richard L. Tabler files this motion opposing recent motion filed by counsel for 59(e). Counsel never fully discussed with petitioner about this filing nor do they have authorization to do so. On June, 10th, 2021 this Court denied petitioner's federal habeas corpus, but granted a limited C.O.A. On June, 15th, 2021 petitioner filed a Pro-Se motion with the United States Fifth Circuit Court of Appeals; as well as a second Pro-Se motion filed on July, 7th, 2021. On June, 22, 2021 the Fifth Circuit Court of Appeals responded to said motion and again on July, 7th, 2021 No. 12-70013 Richard Tabler v. William Stephens, Director USDC No. 6:10-CV-34. Stating that they have received my pro-se motions/letters to the Courts. That my case is closed, and that they would be taking no action, nor would they accept any motion or further actions filed by counsel. Both motions filed with the United States Fifth Circuit Court of Appeals, was done so for one simple fact. I Waived my Rights to further appeals/volunteered for execution. Back in July of 2018 this Court held a hearing with petitioner present, at that time I was wanting to also Waive my Rights, but after the hearing I was pressured into allowing current counsel to work my federal habeas corpus appeal until it was denied. At which time I would start fighting to do what was best for petitioner and not for

counsel that was appointed by this very Court. Granted this Court and Judge Pitman denied petitioners federal habeas corpus, while granting a limited C.O.A.; however, counsel did not discuss the filing and what would be said in their filing for a 59(e) and went ahead and filed whatever they wanted to. Petitioner does NOT APPROVE of this filing by counsel on July, 7th, 2021. If this Court grants counsel's motion for a 59(e) then; "Son idiotas de mierda!" Furthermore, counsel and this Court are failing not only petitioner, but the families of the victims executed by petitioner in allowing justice to be served. While counsel and this Court continue with stupid motions back and forth, each is continuing to deny petitioner and petitioners victims families closure and justice. Petitioner is fully competent and should the Court seek to review petitioners medical record located at the Polunsky Unit Prison where he is housed, you'll find that petitioner is no longer on any mental health list nor does he take any mental health medications. This is because he's not a mental health patient nor is he suffering from any illnesses. In regards to questioning petitioners waiver to volunteer. Petitioner respectfully ask this Court to grant him another hearing to decide. This Court as well as the Attorney General's Office should know that most times when a petitioner withdraws his/her motion to waive their Rights to further appeals, it's done so after receiving pressure from ones Counsel, because counsel feels they know what is best for those of us within prison walls, though they themselves have never done a day inside any prison/isolation. Petitioner, would like to further address a separate issue, please. In 2004 when petitioner took it upon himself to take the lives of four (4) people, he was not alone. Petitioners Co-Defendant Timothy Doan Payne who was a soldier at Fort Hood Military Base and was a 4th ID soldier was present for each execution. Petitioner, Richard Lee Tabler; would ask this Court to please review the Capital Life sentence that was given to co-defendant Timothy Doan Payne. Mr. Payne though young like petitioner at the time was under duress and only did what he was told to do by petitioner. During the killings of each victim both petitioner and co-defendant were intoxicated with drugs (that is no excuse) but under oath in this motion petitioner swears that co-defendant was acting under duress to keep his

life from becoming another victim by petitioner. Mr. Payne I know for a fact feared for his life. Petitioner has searched for his co-defendant and has found out the following; Timothy Doan Payne who was given a life sentence, has completed four (4) years in Seminary at the Darrington Unit in Texas. He has become an Ordained Minister where he shares the Word of God with his fellow prisoners while also writing juvenile Bible Studies that he sends home to his mother who also shares them with troubled teens in lock-up. Through petitioner's own faith I feel that an injustice has been done by my past lies about my co-defendant and that Mr. Payne should be granted a new trial or released from prison. Mr. Payne is not guilty of taking any lives nor did he partake in petitioner's crime of his free-will. Petitioner, respectfully ask this Court and the Attorney General Fredericka Sargent to look into Timothy Doan Payne's case, while also granting petitioner's pro-se motion this 14th day of July, 2021. Please grant this motion in denying counsel's motion for a 59(e).

Respectfully,
Richard L. Tabler
July, 14th, 2021

Richard L. Tabler, #999523
Texas Death Row
3872 FM 350 South
Livingston, TX. 77351

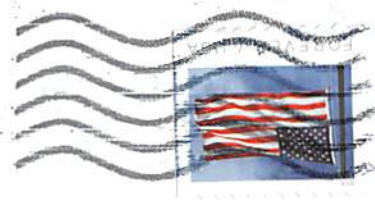
A handwritten signature in black ink, appearing to read "R. L. Tabler", with a large, sweeping flourish underneath.

Richard L.Tabler,#999523
Polunsky Unit/D.R.
3872 FM 350 South
Livingston,TX.77351

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NORTH HOUSTON TX 773

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Honorable Robert Pitman
United States Courthouse
800 Franklin Ave.
Waco,Texas 76701

!!! Legal Mail !!!

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